AMENDED CONSTITUTION
OF THE
NATIVE VILLAGE OF TANANA

PREAMBLE

We, the members of the sovereign Native Village of Tanana, in order to establish a more perfect tribal government, to preserve and exercise the Tribe's inherent sovereign rights and powers, to conserve and develop tribal lands and resources pursuant to tribal law and custom and Federal law, and to establish justice, make for ourselves this Amended Constitution by authority of the Act of June 18, 1934, as amended by the Acts of June 15, 1935, and May 1, 1936.

ARTICLE I. NAME

This Tribe shall be called the "Native Village of Tanana."

ARTICLE II. TERRITORY AND JURISDICTION

The jurisdiction of the Native Village of Tanana shall consist of all Indian Country in the vicinity of the Native Village of Tanana to the full extent permitted by federal and tribal law and as defined by tribal ordinance.

ARTICLE III. MEMBERSHIP

Section 1. - First Members. All persons whose names are on the list of Native residents, made according to the Instructions of the Secretary of the Interior for organization in Alaska, shall be members of the Tribe.

Section 2. - Children of Members. All children of tribal members shall be members of the tribe.

Section 3. - Loss of Membership. Any tribal member may relinquish his or her membership in writing. Membership may also be taken away for good reason by the Tribal Council, pursuant to an Enrollment Ordinance adopted in accordance with the provisions of this Article.

Section 4. - New Membership. Any person who has lost his or her membership, and any other Native person who sets up a home in the Village, may be made a tribal member upon such terms and conditions as may be established pursuant to an Enrollment Ordinance adopted in accordance with the provisions of this Article.

Section 5. Membership and Enrollment Rules. The Tribal Council shall adopt an ordinance establishing rules and procedures for membership and enrollment, consistent with the provisions of this Amended Constitution.

ARTICLE IV. GOVERNING BODY

Section 1. Tribal Council and Officers. The governing body of the Native Village of Tanana shall be known as the Tanana Tribal Council. The Tribal Council shall consist of a Chairman and six (6) other members, all of whom shall be entitled to vote. The seven Council members shall be elected directly by the voters. The Tribal Council shall itself each year elect a Chairman, a Vice Chairman and a Secretary from its members.

Section 2. Eligibility. Any enrolled member of the Tribe, eighteen (18) years of age or older, shall be qualified to seek and hold membership on the Tribal Council, provided that he or she has been living in the Village for at least six months directly preceding the election.

Section 3. Term. Council members shall be elected, by secret ballot, for terms of two (2) years. The terms of the Council members shall be staggered as follows: At the first general election following the adoption of this Amended Constitution, the voters shall elect three (3) Council members for one-year terms and four (4) Council members for two-year terms. Thereafter, at each annual general election the voters shall elect three (3) Council members or four (4) Council members, as appropriate, for two-year terms. Each Council member shall serve until his or her successor has been elected and seated.

Section 4. Council Meetings. The Tribal Council shall meet each month on a date and place to be fixed by action of the Tribal Council, and at such other times and places as may be designated by action of a majority of the Tribal Council or by the Chairman. A quorum to transact business shall consist of at least four (4) Council members. To be effective, at least four (4) Council members shall vote on all motions, resolutions and ordinances. The Tribal Council shall keep a complete and accurate record of all proceedings, including reports of actions taken at every meeting.

Section 5. Oath of Office. Before entering upon their official duties, all members of the Tribal Council and all other tribal officers shall take and subscribe to the following oath and affirmation to be administered by a qualified officer:

> "I, _____, do solemnly swear (or affirm) that I will support the laws and Constitution of the Native Village of Tanana and the Constitution of the United States and will faithfully discharge the duties of my office according to the best of my ability."

Section 6. Forfeiture. Any member of the Tribal council who submits a written resignation, or is convicted of a felony, while in office, or is absent from three successive monthly Tribal Council meetings without being excused by the Tribal Council, shall automatically forfeit his or her office.

Section 7. Removal. Any member of the Tribal Council found guilty by the Tribal Council of neglect of duty, gross misconduct in office, or an offense involving dishonesty may be removed from office by the Tribal Council by at least five (5) Tribal Council members voting by secret ballot, provided, that such member shall first be given ten (10) days notice in writing of the charges against him or her and be given an opportunity to answer such charges before the Tribal Council. No member of the Tribal Council shall preside over the meeting at which his or her removal is being considered. All questions of removal under this section shall be resolved by the Tribal Council and the decision of the Tribal Council shall be final.

Section 8. Recall. Any member of the Tribal Council may be recalled by the Tribal voters if a valid petition requesting such recall and setting forth the reasons, signed by at least thirty percent of the eligible voters, is presented to the Tribal Council. The Tribal Council shall within thirty (30) days of receipt of such petition call an election to consider the recall of the named official, such election to be conducted pursuant to the election ordinance. If a majority of the voters vote in favor of the recall, the official shall be removed. No official may be subjected to recall proceedings more than once in the course of his or her term.

ARTICLE V. GENERAL MEMBERSHIP MEETINGS

A meeting of the general membership may be called at any time by the Tribal Council, provided, that the Tribal Council shall call such a meeting at least once a year. A general membership meeting shall be called by the Tribal Council upon receipt of a petition specifically requesting such a meeting signed by no less than ten percent of the eligible voters. The Tribal Council shall adopt an ordinance establishing rules and procedures for general membership meetings. At such meetings the general membership shall furnish its advice to the Tribal Council.

ARTICLE VI. ELECTIONS

Section 1. General Elections. The Tribal Council shall set the first Tuesday in May of every year for regular elections in the Village, and shall give at least thirty (30) days notice of such meetings, posted in a public place.

Section 2. Special Elections. The Tribal Council shall call special elections to fill vacancies on the Tribal Council and as otherwise necessary, provided that at least ten (10) days notice of such special

elections is provided by posting in a public place. The Tribal Council shall call a special election no later than thirty (30) days after a Tribal Council vacancy occurs for the purpose of filling such vacancy.

Section 3. Voter Qualifications. Any member of the Tribe eighteen (18) years of age or older, shall have the right to vote in all tribal elections, provided that he or she has been living in the Village for at least six months directly preceding the election.

Section 4. Election Ordinance. The Tribal Council shall adopt an ordinance establishing rules and procedures to govern all aspects of voter registration, elections, and election protests.

ARTICLE VII. POWERS OF THE TRIBAL COUNCIL

Section 1. Powers. The Tribal Council shall exercise the following powers by appropriate motion, resolution or ordinance, subject to any limitations imposed by the Constitution or applicable laws of the United States:

a. To negotiate with Federal, State, local governments and others on behalf of the Tribe and to advise and consult with the representatives of the Department of the Interior on all activities which may affect the Tribe.

b. To promote and protect the health, education and general welfare of the members of the Tribe, and to administer charity and such other services as may contribute to the social and economic development of the Village and its members.

c. To levy taxes or license fees.

d. To regulate the internal procedures of the Tribal Council.

e. To encourage, guard and foster traditional cultural practices of the Tanana Native people, including the arts, crafts, religion, language and customs of the Native people of Tanana.

f. To authorize or direct subordinate boards, committees or tribal officials, to administer the affairs of the Tribe and to carry out the directives of the Tribal Council.

g. To manage, lease, exchange, acquire, or otherwise deal with tribal property, and to protect and preserve tribal property and the wildlife and natural resources within those areas under the jurisdiction of the Tribe.

h. To administer any funds within the control of the Tribe.

i. To engage in tribal economic development enterprises for the benefit of tribal members.

j. To provide for the maintenance of law and order and the administration of justice, including through the establishment of appropriate Tribal courts.

k. To safeguard and promote the peace, safety, morals, physical and general welfare of members of the Tribe.

l. To employ legal counsel, provided that the exercise of this power shall be subject to the approval of the Secretary of the Interior, so long as required by Federal law.

m. To prescribe the rules and procedures necessary to give effect to any provision of this Constitution.

Section 2. Reserved Powers. All rights and powers not delegated to the Tribal Council in this Amended Constitution are reserved to the people and may be exercised by the members of the Tribe through the adoption of amendments to this Amended Constitution.

Section 3. Annual Report. The Tribal Council shall make an annual report of its activities, including a budget report, to the general membership at the annual general membership meeting.

Section 4. Actions of the Tribal Council. All ordinances, resolutions and motions shall be acted upon by the Tribal Council by a roll call vote in public, and the vote of each member shall be recorded.

Section 5. Ordinances. An ordinance shall take effect only after being posted in a public place for thirty (30) days after its adoption by the Tribal Council. All enacted ordinances shall be made available for public inspection at the Tribal Office.

ARTICLE VIII. AMENDMENTS TO THE CONSTITUTION

This Amended Constitution may be amended by a majority vote of the qualified voters of the Tribe at an election called by the Secretary of the Interior in which at least 30 percent of the qualified voters take part. The Secretary shall call such an election on a proposed constitutional amendment at the request of 5 of the 7 Tribal Council members or upon petition of thirty percent of all members of the Tribe eighteen (18) years of age or older.

ARTICLE IX. BILL OF RIGHTS

Section 1. The Tribe shall not make or enforce any law prohibiting the free exercise of religion, or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble and to petition for a redress of grievances.

Section 2. The Tribe shall not violate the right of the people to be secure in their persons, houses, papers, and effects against unreasonable search and seizures, nor issue warrants, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the person or thing to be seized.

Section 3. The Tribe shall not subject any person for the same offense to be twice put in jeopardy.

Section 4. The Tribe shall not compel any person in any criminal case to be a witness against himself.

Section 5. The Tribe shall not take any private property for a public use without just compensation.

Section 6. The Tribe shall not deny to any person in a criminal proceeding the right to a speedy and public trial, to be informed of the nature and cause of the accusation, to be confronted with the witnesses against him, to have compulsory process for obtaining witnesses in his favor, and at his own expense to have the assistance of counsel for his defense.

Section 7. The Tribe shall not require excessive bail, impose excessive fine, inflict cruel and unusual punishments, and in no event impose for conviction of any one offense any penalty or punishment greater that imprisonment for a term of twelve (12) months or a fine of $5,000.00 or both.

Section 8. The Tribe shall not deny to any person within its jurisdiction the equal protection of its laws or deprive any person of liberty or property without due process of law.

Section 9. The Tribe shall not pass any bill of attainder or ex post facto law.

Section 10. The Tribe shall not deny to any person accused of an offense punishable by imprisonment to the right, upon request, to a trial by jury of not less than six persons.

ARTICLE X. ADOPTION

This Constitution when ratified by a majority vote of the qualified voters of the Native Village of Tanana voting at an election called for that purpose by the Secretary of the Interior or his authorized representative in which at least thirty percent (30%) of those entitled to vote, shall be submitted to the Secretary of the Interior for his approval, and shall be effective from the date of his approval.

ARTICLE XI. SAVINGS AND SEVERABILITY

Section 1. All enactments and official acts of the Native Village of Tanana promulgated or adopted prior to the effective date of this Amended Constitution shall remain in full force and effect to the extent they are not inconsistent with any provision of this Constitution, and in the event of any conflict with this Constitution, the provisions of this Constitution shall control.

Section 2. The provisions of this Constitution are severable, and should any provision of the Constitution be determined by a court of competent jurisdiction to be invalid, such invalidity shall not affect the validity of any other provision of this Constitution.

CERTIFICATE OF RESULTS OF ELECTION

Pursuant to a Secretarial election authorized by the Deputy to the Assistant Secretary - Indian Affairs (Tribal Services) on May 8, 1989, the attached revised Constitution of the Native Village of Tanana, Alaska was submitted to the qualified voters of the tribe and on June 13, 1989, was duly (adopted)(~~rejected~~) by a vote of 38 for and 5 against and 1 cast ballots found spoiled or mutilated in an election in which at least thirty (30) percent of the 110 members entitled to vote, cast their ballot in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378), the Act of May 1, 1936 (49 Stat. 1250), and the Act of November 1, 1988 (102 Stat. 2938).

Michael J. Stancampiano, Chairman, Election Board

Eileen Kozevnikoff, Member, Election Board

Marie Grant, Member, Election Board
(Phyllis Kennedy, Alternate Member)

June 13, 1989
Date

ORIGINAL

CERTIFICATE OF APPROVAL

I, Hazel E. Elbert, Deputy to the Assistant Secretary - Indian Affairs (Tribal Services), by virtue of the authority granted to the Secretary of the Interior by the Act of June 18, 1934 (48 Stat. 984), as amended, and delegated to me by 230 DM 2.4, do hereby approve the Constitution of the Native Village of Tanana, Alaska. It is effective as of this date; Provided, that nothing in this document shall be construed as authorizing any action under this document that would be contrary to Federal law.

Hazel E. Elbert

Deputy to the Assistant Secretary -
Indian Affairs (Tribal Services)

Washington, D.C.

Date: July 26, 1959